



ongoing inspections or investigations should be considered for disclosure to the adjudicatory boards under the same principles that apply to other materials.

2. Consistent with paragraph 1 above, where staff or OI believes in a particular case that it is its duty to inform an adjudicatory board of information which is the subject of a pending inspection or investigation or an adjudicatory board believes that it needs more information concerning the subject of a pending inspection or investigation, but that unrestricted disclosure could compromise the inspection or investigation, the information and an explanation of the basis for the concern about disclosure to the other parties should first be presented to the board, *in camera*, without disclosure of the substance to the other parties. While the parties should not be provided with the substance of the information provided to the board, they should be notified that the staff will present information to the Board on a pending inspection or investigation. In any case where the Board feels that disclosure to other parties is required (e.g., withholding information may prejudice one or more parties) under protective order or otherwise, and staff or OI is still concerned that disclosure could compromise the inspection or investigation, staff or OI should petition directly to the Commission for relief and the Board should refrain from ordering disclosure until it has received Commission guidance.

The Commission would like comments on: (1) The propriety and desirability of an *in camera* presentation to the Board with only one party present of information relating to a matter in controversy and (2) any alternatives to the scheme adopted by the Commission which the commenters believe would better serve the needs of the parties to procedural fairness, of the Boards to pertinent information, and of the Commission to protect incomplete inspections and investigations. These comments may be considered by the Commission when it reviews the conclusions and recommendations of the internal NRC task force study.

Dated at Washington, D.C. this 5th day of August 1983.

For the Commission:

Samuel J. Chalk,

Secretary of the Commission

(FR Doc. 83-21763 Filed 8-9-83; 8:45 am)

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*Commissioner Gilinsky was unavailable to participate.

OFFICE OF MANAGEMENT AND BUDGET

Privacy Act of 1974; Proposed Revised Supplemental Guidance on Implementation of the Privacy Act of 1974

AGENCY: Office of Management and Budget.

ACTION: Request for comments on proposal to revise guidance on implementation of the Privacy Act of 1974.

SUMMARY: This document requests public comment on a proposal to revise certain Privacy Act implementation guidance issued to the agencies on November 21, 1975. This guidance was originally published in the Federal Register on December 4, 1975.

FOR FURTHER INFORMATION CONTACT: Robert N. Veeder, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503; telephone (202) 395-4814.

SUPPLEMENTARY INFORMATION: OMB is proposing to revise guidance on the relationship of the Freedom of Information Act and the Privacy Act of 1974. The text of this proposal is set forth below. Interested parties are invited to provide comments on or before October 1, 1983. Comments should be sent to the Office of Information and Regulatory Affairs, Washington, D.C. 20503.

Candice C. Bryant,

Deputy Associate Director for Administration.

The Office of Management and Budget proposes to revise its "Implementation of the Privacy Act of 1974 Supplementary Guidance" Federal Register, Volume 40, No. 234, dated December 4, 1975, 36741) as follows:

"The first and last paragraphs of section 8, 'Relationship to the Freedom of Information Act (subsection (q))' are deleted. The following is added to the end of the section 8:

The Privacy Act and the FOIA should be read together to permit an agency to deny access to records sought by the subject individual under the FOIA on the basis of exemption (b)(3) if those records are exempted from release to the individual under the Privacy Act. This interpretation is supported by the majority of courts that have reviewed the question of the relationship between the two laws. They have held that the Privacy Act is a (b)(3) statute for purposes of the FOIA. (Note that the D.C. Circuit created a split in the circuits when it held that the two laws must be read independently.)

FOIA exemption (b)(3) provides that access under the FOIA is not required if the material sought is specifically barred from disclosure by statute (other than by the FOIA itself), provided that such statute: (a) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue or (b) establishes particular criteria for withholding or refers to particular types of matters to be withheld.

Records may be withheld from the individual under the Privacy Act if they are maintained in exempt systems of records as provided by sections (j) or (k) of the Act or if the records were compiled in reasonable anticipation of civil action or proceedings as provided in subsection (d)(5).

Note.—For certain exempt systems, substantial portions of the covered records may be required to be released. For example, see the requirements of (k)(5)."

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SECURITIES AND EXCHANGE COMMISSION

(File No. 1-8096)

Fairfield Communities, Inc., Common Stock, \$10 Par Value; Application to Withdraw From Listing and Registration

August 3, 1983.

The above name issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Fairfield Communities, Inc. ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on May 27, 1983, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.